

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

Magistrate Docket No. 08 MJ 0175 JAN 22 2008 10:52

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR VIOLATION OF:

DEPUTY

Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

UNITED STATES OF AMERICA,

Plaintiff,

v.

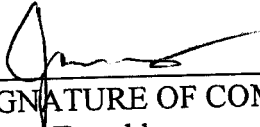
Alfredo ARCOS-Antones,

Defendant

The undersigned complainant, being duly sworn, states:

On or about **January 19, 2008** within the Southern District of California, defendant, **Alfredo ARCOS-Antones** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT  
James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 22nd DAY OF January 2008

  
Jan M. Adler  
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:**

**Alfredo ARCOS-Antones**

**PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

On January 19, 2008, Border Patrol Agents K. Gillan, and K. Lopez were patrolling near Jamul, California. This area is located approximately ten miles east of the Otay Mesa, California Port of Entry and approximately four miles north of the International Boundary.

At approximately 12:30 P.M., the dispatch center notified the agents of possible illegal alien activity in the vicinity of Rancho Jamul Drive. Upon arriving in the area, the agents were informed by a local resident that a group of suspected illegal aliens were sleeping under trees in a nearby creek bed. Agents Gillan and Lopez searched the indicated area and discovered 10 persons sleeping under a tree. The agents woke the persons and identified themselves as U.S. Border Patrol Agents. All ten persons, including one later identified as the defendant Alfredo ARCOS-Antones, stated that they were citizens and nationals of Mexico not in possession of documents that would allow them to enter or remain in the United States legally. The defendant and the other individuals were arrested and transported to the Brown Field Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on February 24, 2004 through Calexico, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on January 20, 2008 at 10:00 a.m.

  
\_\_\_\_\_  
Carlos R. Chavez  
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on January 19, 2008, in violation of Title 8, United States Code, Section 1326.

  
\_\_\_\_\_  
Jan M. Adler  
United States Magistrate Judge

  
\_\_\_\_\_  
Date/Time